IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.577 OF 2004
IN
CHAMBER SUMMONS NO.1213 OF 2003
IN
NOTICE NO.81 OF 2003
IN
EXECUTION APPLICATION NO.242 OF 2002
IN
WRIT PETITION NO.1770 OF 1990

Ranganath Anant Haridas .. Appellant

v/s.

1. Rev.Fr.Joe D.Pereira,S.J.
& ors. .. Respondents

Mr.G.Pillai i/by M/s.Pillai & Co. for appellant.

Ms.A.Ghone i/by M/s.Kanga & Co. for respondent No.1.

Mr.Sanjay Singh for respondent No.6.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 17th September, 2004

P.C.

Heard.

2. We perused the order dated September 9, 2004 passed by the learned Chamber Judge. We do not find any ground for interference in the said order.

The appeal is, accordingly, dismissed in limine.

3. The appellant and respondent Nos.4 to 6 showed their willingness to hand over possession of the

flats in their possession and prayed for the reasonable time for that purpose.

4. The learned counsel for the respondent No.1 was not averse if reasonable time of about six months was given to respondent Nos.4 and 5 for vacation of flats A19 and A18 respectively. The learned counsel for the respondent No.1 also agreed for giving three months time to the respondent No.6 for vacating flat Nos.A1 to A4.

5. We, accordingly, pass the following order:-

(i) Subject to the appellant and respondent No.5 filing an undertaking before this court within two weeks from today that they would hand over vacant possession of flat No.A18 to the Court receiver on/or before 15th March, 2005, we direct that the Court receiver shall not take forcible possession of flat No.A18 until then.

(ii) Subject to the appellant and respondent No.4 filing an undertaking before this court within two weeks from today that they would hand over possession of flat No.A19 on their own to the Court Receiver on/or before

15th March, 2005, we direct that the Court Receiver shall not take forcible possession of flat No.A19 until then.

(iii) Subject to the appellant and the respondent No.6 filing an undertaking before this court within two weeks from today that they will hand over possession of flat Nos.A1 to A4 to the Court Receiver on/or before 15th December, 2004, the Court Receiver shall not take forcible possession of the said flats being flat Nos.A1 to A4 until then.

(iv) Save and except the aforesaid directions, the order passed by the learned Chamber Judge on 9th September, 2004 is maintained.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)